

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

DEFENDANTS

RAYMOND COLES and PHILLIP HARRIS

AVON PRODUCTS, INC., et al. (SEE ATTACHED RIDER)

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

BRENDAN TULLY, ESQ.; PHILLIPS & PAOLICELLI, LLP
747 THIRD AVE., 6th FLOOR, NY, NY 10017; 212-338-5100

(SEE ATTACHED RIDER)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. 1332(a)(2) - Personal injury products liability action relating to allegedly asbestos-contaminated talcum powder.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒

Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT

[] 110 INSURANCE
[] 120 MARINE
[] 130 MILLER ACT
[] 140 NEGOTIABLE INSTRUMENT
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
[] 151 MEDICARE ACT
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
[] 160 STOCKHOLDERS SUITS
[] 190 OTHER CONTRACT
[] 195 CONTRACT PRODUCT LIABILITY
[] 196 FRANCHISE

PERSONAL INJURY

[] 310 AIRPLANE
[] 315 AIRPLANE PRODUCT LIABILITY
[] 320 ASSAULT, LIBEL & SLANDER
[] 330 FEDERAL EMPLOYERS' LIABILITY
[] 340 MARINE
[] 345 MARINE PRODUCT LIABILITY
[] 350 MOTOR VEHICLE
[] 355 MOTOR VEHICLE PRODUCT LIABILITY
[] 360 OTHER PERSONAL INJURY
[] 362 PERSONAL INJURY - MED MALPRACTICE

PERSONAL INJURY

[] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY
[] 365 PERSONAL INJURY PRODUCT LIABILITY
[x] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

PERSONAL PROPERTY

[] 370 OTHER FRAUD
[] 371 TRUTH IN LENDING

FORFEITURE/PENALTY

[] 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
[] 690 OTHER

PROPERTY RIGHTS

[] 820 COPYRIGHTS
[] 830 PATENT
[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION
[] 840 TRADEMARK

BANKRUPTCY

[] 422 APPEAL 28 USC 158
[] 423 WITHDRAWAL 28 USC 157

SOCIAL SECURITY

[] 861 HIA (1395ff)
[] 862 BLACK LUNG (923)
[] 863 DIWC/DIWW (405(g))
[] 864 SSID TITLE XVI
[] 865 RSI (405(g))

FEDERAL TAX SUITS

[] 870 TAXES (U.S. Plaintiff or Defendant)
[] 871 IRS-THIRD PARTY 26 USC 7609

OTHER STATUTES

[] 375 FALSE CLAIMS
[] 376 QUI TAM
[] 400 STATE REAPPORTIONMENT
[] 410 ANTITRUST
[] 430 BANKS & BANKING
[] 450 COMMERCE
[] 460 DEPORTATION
[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 480 CONSUMER CREDIT
[] 490 CABLE/SATELLITE TV
[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 890 OTHER STATUTORY ACTIONS
[] 891 AGRICULTURAL ACTS
[] 893 ENVIRONMENTAL MATTERS
[] 895 FREEDOM OF INFORMATION ACT
[] 896 ARBITRATION
[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 950 CONSTITUTIONALITY OF STATE STATUTES

REAL PROPERTY

[] 210 LAND CONDEMNATION
[] 220 FORECLOSURE
[] 230 RENT LEASE & EJECTMENT
[] 240 TORTS TO LAND
[] 245 TORT PRODUCT LIABILITY
[] 290 ALL OTHER REAL PROPERTY

ACTIONS UNDER STATUTES

CIVIL RIGHTS

[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)
[] 441 VOTING
[] 442 EMPLOYMENT
[] 443 HOUSING/
[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
[] 446 AMERICANS WITH DISABILITIES -OTHER
[] 448 EDUCATION

PRISONER PETITIONS

[] 463 ALIEN DETAINEE
[] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255
[] 530 HABEAS CORPUS
[] 535 DEATH PENALTY
[] 540 MANDAMUS & OTHER

PRISONER CIVIL RIGHTS

[] 550 CIVIL RIGHTS
[] 555 PRISON CONDITION
[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

IMMIGRATION

[] 462 NATURALIZATION APPLICATION
[] 465 OTHER IMMIGRATION ACTIONS

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding
 ☒ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
- ☒ a. all parties represented
 ☐ b. At least one party is pro se.
 ☐ 8 Multidistrict Litigation (Direct File)

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☒ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [X] 3	DEF [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [X] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

1 Prince of Wales Road, Flat 30, London NW5 3LW, United Kingdom

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

(SEE ATTACHED RIDER)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

DATE 10/22/2018 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[] YES (DATE ADMITTED Mo. March Yr. 2011)

Attorney Bar Code # TK7437

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

CIVIL COVER SHEET RIDER**Coles et al. v. Avon Products Inc., et. al.**

DEFENDANT NAME	DEFENDANT ATTORNEY	DEFENDANT ADDRESS	DEFENDANT COUNTY
AVON PRODUCTS, INC.	Brian Schlosser, Esq. Rivkin Radler LLP 926 RXR Plaza, Uniondale, NY 11556 T: 516-357-3000	601 Midland Ave. Rye, NY 10580	Westchester County, New York
CYPRUS AMAX MINERALS COMPANY, individually and as successor to Metropolitan Talc Company, Sierra Talc Company, and United Talc Company.	Andrew Sapon, Esq. Litchfield Cavo LLP 420 Lexington Ave., Suite 2104 New York, NY 10170 T: 212-434-0100	333 N. Central Ave. Phoenix, AZ, 85004	Maricopa County, Arizona
DRI-I, INC., f/k/a Duane Reade Inc.	Unknown	300 Wilmot Rd. Deerfield, IL 60015	Lake County, Illinois
DUANE READE (A NEW YORK GENERAL PARTNERSHIP)	Unknown	300 Wilmot Rd. Deerfield, IL 60015	Lake County, Illinois
DUANE READE HOLDINGS, INC.	Unknown	c/o Corporation Services Company 251 Little Falls Dr. Wilmington, DE 19808	New Castle County, Delaware
DUANE READE INC.	Unknown	300 Wilmot Rd. Deerfield, IL 60015	Lake County, Illinois
DUANE READE INC., a/k/a DRI-I, Inc.	Unknown	300 Wilmot Rd. Deerfield, IL 60015	Lake County, Illinois

IMERYS TALC AMERICA, INC., f/k/a Luzenac America, Inc. and United Sierra Talc Co.	Andrew Sapon, Esq. Litchfield Cavo LLP 420 Lexington Ave., Suite 2104 New York, NY 10170 T: 212-434-0100	1732 N. First Street, Suite 450, San Jose, CA, 95112	Santa Clara County, California
JOHNSON & JOHNSON	Thomas P. Kurland, Esq. Patterson Belknap Webb & Tyler LLP 1133 Ave. of the Americas, New York, NY 10036 T: 212-336-2000	One Johnson & Johnson Plaza New Brunswick, NJ 08933	Middlesex County, New Jersey
JOHNSON & JOHNSON CONSUMER, INC.	Thomas P. Kurland, Esq. Patterson Belknap Webb & Tyler LLP 1133 Ave. of the Americas, New York, NY 10036- T: 212-336-2000	One Johnson & Johnson Plaza New Brunswick, NJ 08933	Middlesex County, New Jersey
WHITTAKER CLARK & DANIELS, INC.	Christopher Kozak, Esq. Landman Corsi Ballaine & Ford, P.C. One Gateway Center, Suite 400 Newark, NJ 07102 T: 973-623-2700	c/o Registered Agent Tompkins McGuire 3 Becker Farm Road, 4 th Floor Roseland, NJ 07068	Essex County, New Jersey